

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 1-97-CR-43-02

Plaintiff,

Hon. Richard Alan Enslen

v.

ALEX CRUZ,

ORDER

Defendant.

This matter is before the Court on Defendant Alex Cruz's Motion to Request a Video-Tele-Conference in regard of Honorable Richard Alan Enslen Order Entered on August 11, 2006.

Defendant has made this Motion on the basis of a perceived violation of this Court's Order of August 11, 2006. In that Order, the Court granted Defendant's Motion to Correct Restitution Payment Order. The Court considered those factors set forth in 18 U.S.C. § 3664(f)(1)(B)(2), and found, "Defendant's restitution shall be paid in *minimum* quarterly installments of \$25 based on [Inmate Financial Responsibility Program] participation, or minimum monthly installments of \$20 based on UNICOR earnings, during the period of incarceration." (Order 3.)

Defendant now contends that prison officials are in violation of this Order because his current payment schedule is quarterly installments of \$48 rather than \$25. However, Defendant has misconstrued the Court's Order, interpreting the *minimum* amount designated as the *only* amount that shall be paid by Defendant. Therefore, a tele-conference clarifying the Order is unnecessary and there is no violation as the quarterly installments are based on his Inmate Financial Responsibility Program participation pursuant to 28 C.F.R. § 545.11 and in accordance with the Court's Order.

THEREFORE, IT IS HEREBY ORDERED that Defendant Alex Cruz's Motion to Request a Video-Tele-Conference (Dkt. No. 307) is **DENIED**.

Dated in Kalamazoo, MI:
November 3, 2006

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge